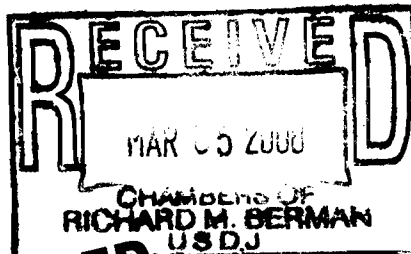


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MEMO ENDORSED

VIA HAND DELIVERY

The Honorable Richard M. Berman
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 650
New York, NY 10007

March 4, 2008

*I'm going to hold off on
setting any motion schedule
at this time. Let me know
when you finish discovery
+ we'll decide then.*

Re: DH Capital LLC v. Xanadoo, LLC, No. 07-CV-5579 (RMB)
Joint Request for Revised Expert Discovery and Dispositive Motion
Schedule

SO ORDERED:

Date:

3/5/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

Dear Judge Berman:

Both parties in this matter write to respectfully request that the schedule set by the Court during the February 11, 2008 status conference be revised to allow for the exchange of expert reports and expert discovery before filing of summary judgment motions. The proposed revisions include extending the deadlines for dispositive motions.

During the February 11, 2008 status conference, the Court set the following schedule for dispositive motions:

- Defendant's motion due by April 15, 2008;
- Plaintiff's response and cross-motion due by May 15, 2008;
- Defendant's reply due by June 2, 2008; and
- Plaintiff's surreply due by June, 16, 2008.

After the conference, the parties conferred and determined that they anticipated retaining experts in this matter that would be used in the summary judgment briefing. To afford the parties sufficient time to retain experts, complete expert discovery, and prepare summary judgment motions, the parties propose a revised schedule, as follows:

Pepper Hamilton LLP
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The Honorable Richard M. Berman
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March 4, 2008

- Plaintiff's expert report due by April 24, 2008;
- Defendant's expert report due by May 15, 2008;
- Expert discovery completed by June 5, 2008;
- Defendant's motion due by June 30, 2008;
- Plaintiff's response and cross-motion due by July 30, 2008;
- Defendant's reply due by August 18, 2008; and
- Plaintiff's surreply due by September 2, 2008.

A proposed Revised Scheduling Order is attached for the Court's convenience. This is the first request for an extension of the dispositive motion deadlines.

Thank you for your attention to this matter.

Respectfully submitted,



Christopher J. Huber
Counsel for Defendant Xanadoo, LLC



Lance J. Gotko
Counsel for Plaintiff DH Capital LLC

cc: Chad Pimentel, Esquire (via Email)
Kenneth J. King, Esquire (via Email)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DH Capital LLC

Plaintiff,

v.

Xanadoo, LLC

Defendant

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:
:
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:
:
:

CIVIL ACTION

NO. 07-CV-5579 (RMB)

REVISED SCHEDULING ORDER

AND NOW, this ____ day, of _____, 2008, upon consideration of the Parties' Joint Request for Revised Expert Discovery and Dispositive Motion Schedule, it is hereby

ORDERED that the Parties' Request is **GRANTED**. The Parties shall comply with the following schedule:

- Plaintiff's expert report due by April 24, 2008;
- Defendant's expert report due by May 15, 2008;
- Expert discovery completed by June 5, 2008;
- Defendant's motion due by June 30, 2008;
- Plaintiff's response and cross-motion due by July 30, 2008;
- Defendant's reply due by August 18, 2008; and
- Plaintiff's surreply due by September 2, 2008.

BY THE COURT:

Richard M. Berman, U.S.D.J.